

ORDINANCE NO. 2012-19

ORDINANCE OF THE BOARD OF DIRECTORS OF TRABUCO CANYON WATER DISTRICT SUPPLEMENTING AND READOPTING WASTE DISCHARGE PRETREATMENT AND SOURCE CONTROL PROGRAMS FOR WASTEWATER FLOWS WITHIN THE BOUNDARIES OF TRABUCO CANYON WATER DISTRICT, ADOPTING THE TRABUCO CANYON WATER DISTRICT ENFORCEMENT RESPONSE PLAN IN CONNECTION THEREWITH, MAKING CERTAIN FINDINGS AND DETERMINATIONS, SUPERCEDING PRIOR ORDINANCES AND TAKING RELATED ACTIONS

WHEREAS, the Trabuco Canyon Water District ("District") is a county water district organized and operating pursuant to Water Code Sections 30000 and following; and

WHEREAS, the Board of Directors ("Board") of the District has the statutory authority to provide for requirements for wastewater quality, pretreatment requirements and source control matters relating to wastewater flows received by or into District wastewater facilities within the District's boundaries; and

WHEREAS, the District provides wastewater collection, transportation, treatment and disposal services to certain areas within the District; and

WHEREAS, the District is a member agency of the South Orange County Wastewater Authority ("SOCWA"), which is a joint powers agency responsible for various matters relating to wastewater collection, transportation, treatment and disposal, and various state and federal regulatory requirements, within the boundaries of its member agencies; and

WHEREAS, the District has been requested by SOCWA to supplement and update its wastewater discharge, pretreatment and source control program relative to wastewater discharges to public agency facilities within the District's boundaries; and

WHEREAS, the District has previously adopted its Ordinances Nos. 92-16 and 2000-17, providing for certain matters relative to wastewater discharge pretreatment and source control programs within the boundaries of the District; and

WHEREAS, notice of a Public Hearing, notice of the intention to adopt this Ordinance, and related notices have been provided as required by law and as further set forth herein; and

WHEREAS, on January 18, 2012, the Board conducted and completed a noticed Public Hearing to receive public input and comments with regard to the wastewater pretreatment quality and compliance requirements set forth herein; which Public Hearing was held at the District's business offices located at 32003 Dove Canyon Drive, Trabuco Canyon, California; and

WHEREAS, the form of this Ordinance, and the waste discharge pretreatment and source control program requirements, and the Enforcement Response Plan, set forth herein have been reviewed with SOCWA; and

WHEREAS, information to support the findings made by the Board within this Ordinance have been prepared by District staff, made available to any members of the public who would request such information and presented to the Board as part of its consideration of this matter; and

WHEREAS, the Board has previously directed that a notice of Public Hearing and a notice of intention with regard to the adoption of this Ordinance be published, posted and otherwise provided as further described herein; and

WHEREAS, the Board has previously adopted the Rules and Regulations for Water and Wastewater Service of the Trabuco Canyon Water District ("Rules and Regulations") pursuant to State law, which Rules and Regulations will be updated to reflect the adoption of this Ordinance and certain related matters as set forth herein upon the adoption hereof; and

WHEREAS, the Board has determined that it is appropriate to adopt this Ordinance to make the determinations and findings, and for the purposes, set forth herein.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TRABUCO CANYON WATER DISTRICT DOES DETERMINE AND FIND, AND BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE TRABUCO CANYON WATER DISTRICT AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Provision of Notice. Pursuant to the provisions and requirements of Water Code Section 31141, and the directives of this Board, the District provided notice of the Public Hearing and the intention of the Board to adopt this Ordinance as follows:

- (a) Notice of the Public Hearing was posted at this District's business offices posting location, located at 32033 Dove Canyon Drive, Trabuco Canyon, California 92679, on _____, 2012, and remained so posted until the date of the Public Hearing. A copy of the Notice of Public Hearing is on file with the District Secretary.
- (b) Notice of the intention of the Board to adopt this Ordinance ("Notice of Intention"), together with a summary thereof, prepared by District Legal Counsel, with concurrence of this Board was published in the Saddleback Valley News on January __, 2012.
- (c) The Notice of Intention and summary as described in (b) above was posted at the District business offices posting location on _____, 2012, and remained so posted until the date of the Public Hearing.

- (d) Copies of the Notice of Intention and the summary as described in (b) above and the proposed text of the Ordinance are on file with the District Secretary.

The District also provided notice of such proposed revision to the wastewater pretreatment, quality, source control and compliance requirements set forth herein, as follows:

- (a) Notice of the Public Hearing and the Notice of Intention/Summary of Ordinance, the full text of this proposed Ordinance, with Exhibits, and the availability of supporting documentation therefor was posted on District's internet web site located at <http://www.tcwd.ca.gov/agenda.htm> for a period of more than _____ () days prior to the date the Public Hearing was conducted; and
- (b) Notice of the date, time, place and nature of such Public Hearing was posted at the following locations on the following dates:
 - (i) Dove Canyon Community Association - Dove Lake Park posting location – _____, 20__;
 - (ii) Trabuco Highlands Community Association Message Board – _____, 20__;
 - (iii) Ridgeline Pump Station at 19314 Ridgeline Road, Trabuco Canyon, California – entry drive posting location – _____, 20__

Such notices remained posted until the date of the Public Hearing.

Section 3. Findings. The Board hereby finds and determines as follows:

- (a) The District has complied, and will comply, with the notice requirements necessary for the adoption of this Ordinance.
- (b) Based on applicable legal standards, water and wastewater quality requirements and current best practices, it is in the best interests of the District to adopt this Ordinance.
- (c) The findings and determinations set out in the Exhibits hereto are incorporated at this point by reference.

Section 4. Adoption and Implementation; Prior Ordinances Superseded.

- (a) The Trabuco Canyon Water District Waste Discharge Pretreatment and Source Control Program set out in Exhibit "A" are hereby adopted and shall be in effect from and after _____, 2012.

- (b) The Trabuco Canyon Water District Enforcement Response Plan set out in Exhibit “B,” attached hereto and incorporated herein by this reference, is hereby adopted and shall take effect on _____, 2012.
- (c) The Board reserves the right to revise, amend, supplement and update the above-referenced Trabuco Canyon Water District Waste Discharge Pretreatment and Source Control Program and Trabuco Canyon Water District Enforcement Response Plan from time to time as the Board shall determine and direct.
- (d) Ordinance No. 92-16 and Ordinance No. 2000-17 shall be superceded by this Ordinance No. 2012-19, effective as of _____, 2012.

Section 5. Amendment to District Rules and Regulations. The Trabuco Canyon Water District Rules and Regulations for Water and Wastewater Service (“Rules and Regulations”) shall be amended to conform all reference therein to Ordinance No. 92-16 and/or Ordinance No. 2000-17 to this Ordinance No. 2012-19. The General Manager, District Secretary, District officers and District consultants are authorized and directed to take such other and further actions as are necessary to carry out the directives of this Section 5.

Section 6. Partial Invalidity; Severability. If any one or more of the findings or directives set forth in this Ordinance to be performed should be contrary to law, then such findings or directives, or such portions thereof, shall be null and void and shall be deemed separable from the remaining findings and directives or portions thereof and shall in no way affect the validity of this Ordinance. The Board hereby declares that it would have adopted this Ordinance and each and every other section, paragraph, subdivision, sentence, clause and phrase hereof and would have authorized and approve the findings or directives set forth herein irrespective of the fact that any one or more sections, paragraphs, subdivisions sentences, clauses or phrases of this Ordinance or the application thereof to any person or circumstance may be held to be unconstitutional, unenforceable or invalid.

Section 7. Other Actions. The District’s General Manager and other District officers and staff and District consultants are hereby authorized and directed to take all necessary and appropriate actions as may be required or desirable to carry out the directives of this Ordinance.

Section 8. Authority. This Ordinance is adopted pursuant to the provisions of Water Code Sections 31000, 31001, 31024, 31025, 30523 and 31141.

Section 9. Effective Date. Except as otherwise set forth herein, this Ordinance shall be effective upon adoption.

ADOPTED, SIGNED, ORDAINED AND APPROVED this 18th day of January, 2012.

**BOARD OF DIRECTORS OF THE TRABUCO
CANYON WATER DISTRICT**

By: _____
President of the Board of Directors of the
Trabuco Canyon Water District

By: _____
Secretary of the Board of Directors of the
Trabuco Canyon Water District

DRAFT

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Teresa Teichman, Secretary, Board of Directors of the Trabuco Canyon Water District, do hereby certify that the foregoing Ordinance was duly adopted by the Board of Directors of the Trabuco Canyon Water District at a meeting thereof held on the 18th day of January, 2012, at which meeting a quorum of such Board was present and acting throughout and for which notice and an agenda was prepared and posted as required by law, and that such Resolution was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Secretary of the Board of Directors of the Trabuco
Canyon Water District

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Teresa Teichman, Secretary, Board of Directors of the Trabuco Canyon Water District, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 2012-19 of such Board and that the same has not been amended or repealed.

Dated this 18th day of January, 2012.

Secretary of the Board of Directors of the Trabuco
Canyon Water District